

Dell respectfully requests that the Court provide the jury with the following instruction and special interrogatory regarding the effective filing date of the '473 patent.

ADDITIONAL INSTRUCTION:

Dell proposes adding the following sentence to the end of the Court's Instruction No. 15:

"You should indicate on the verdict form in response to Question __ whether the November 20, 1998 provisional application satisfies the written description requirement."

VERDICT QUESTION:

Do you find that the November 20, 1998 provisional application describes the full scope of the claimed invention as it is finally claimed in the issued patent and that the inventors actually possessed that full scope by the filing date of the original application?

Yes _____ No _____

If you answer "yes," the effective filing date is November 20, 1998. If you answer "no," the effective filing date is March 4, 1999.

Date: July 26, 2011

Respectfully submitted,

/s/ Roger Fulghum

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ATTORNEYS FOR DELL INC.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record by electronic service as authorized by Local Rule CV-5(a)(3)(C) on July 26, 2011.

Dated: July 26, 2011